

Serial No.: 10/071,380
Group Art Unit: 1615

Remarks

This Paper is responsive to the Office Communication mailed March 19, 2003 (Paper No. 4). Entry of this Paper and reconsideration of the subject application in view thereof are respectfully requested.

Assuming entry of the amendments set forth in this Paper, the status of the claims is as follows:

Amended:	
Cancelled:	
New:	
Pending:	1-16
Withdrawn	17-44

Restriction

Claims 1-44 stand subject to a two (2) way restriction requirement. Specifically, the Examiner asserts the following:

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16, drawn to composition, classified in class 424, subclass 489.
 - II. Claims 17-44, drawn to methods, classified in class 424, subclass 464.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process can make other and materially different products. Applicants themselves claim a method of making a composition, a method of making a complex, and a method for enhancing the water solubility of an active agent.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Serial No.: 10/071,380
Group Art Unit: 1615

4. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Applicant hereby provisionally elects to prosecute Group I (claims 1-16) without traversé. Applicants have withdrawn but not cancelled the claims to Group II (claims 17-44) because it is expected that these claims will be rejoined upon allowance of the composition claims of provisionally elected Group I. (See MPEP § 821.04).

FEE DEFICIENCY

☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 04-0480.


and/or

☒ If any additional fee is required for consideration of this paper, please charge Account No. 04-0480.

Closing Remarks

Entry of this Paper and allowance of the pending claims are respectfully requested.

Respectfully submitted,


Thomas S. Deibert
Registration No. 40,984
Attorney for Applicants

DECHERT LLP
A Pennsylvania Limited Liability Partnership
Princeton Pike Corporate Center
PO Box 5218
Princeton, New Jersey 08543-5218
Fax: (609) 620-3259
Attn: Thomas S. Deibert, Esq.
(609) 620-3231